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The Colorado Independent

With fracking creeping toward schools, candidates drill down their positions

By Troy Hooper
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Editor's note: This is the fourth installment in an ongoing series on hydraulic fracturing near schools. Read the first part [here](#), the second part [here](#) and the third part [here](#).

As concerns mount over oil and gas rigs inching closer to several Colorado schools, legislators are looking toward 2013 to sort out whether local controls should take a backseat to state regulations.

Trailers are used as sound barriers at a new drilling operation near schools and homes in Erie. (Photo by Troy Hooper)

In the Colorado General Assembly's last session, which adjourned in May, the Republican-controlled House tried to centralize power with the state and override municipal authority to zone drilling while the Democrat-led Senate sought to give cities, towns and counties the ability to decide where rigs go.

"I don't know where it goes from here. I suspect there is a happy medium and there is a compromise that can be reached," State Senate President Brandon Shaffer said in an interview this week. "I also suspect next year additional legislation will come forward on both sides of the spectrum. Ultimately I think the determination will be made based on the composition of each of the chambers. If the Democrats are in control of the House and Senate, there will be more emphasis on local control."

Industry groups, Republicans and Democrat Gov. John Hickenlooper contend the state should regulate oil and gas drilling. When Longmont City Council attempted to pass its own regulations that would have

prohibited drilling in residential areas, Colorado Attorney General John Suthers sent a letter to the city with the implied threat of a lawsuit should council move forward. Residents have responded with grassroots action, forming groups like Our Health, Our Future, Our Longmont and Erie Rising to stand up for their rights to clean air and water.

Hickenlooper et al. promote Colorado as having the strongest hydraulic fracturing, or fracking, disclosure laws in the country. Critics argue the state often doesn't enforce its own rules, repeatedly failing to punish companies that break laws or spill oil and gas.

"I think companies engaged in oil and gas drilling should have to prove to the community that what they are doing is safe," said Mike Foote, a former deputy district attorney who is running as a Democrat to succeed Matt Jones as the next representative of House District 12, which includes the Boulder County portion of Erie where fracking has crept awfully close to multiple schools.

"Right now I don't see that," he said. "I see the oil and gas companies coming in and saying they are going to drill and people protesting and the companies basically saying, 'That's too bad. We're going to drill there anyway.' People have legitimate concerns about whether the process is safe and the oil and gas companies don't seem to be doing a good job addressing those questions."

Messages left with oil and gas companies and the Colorado Oil and Gas Association were not returned.

Tisha Casida, an independent running against incumbent Republican Scott Tipton and Democrat challenger Sal Pace to represent the Western Slope in Congress, worries government is trampling the individual property rights of people living in energy-rich communities.

"The 'fight' must get down to the local level where the actual stakeholders are – these are the people that live in the community, and are intricately invested in the community," she said. "I have spoken to many in our campaign – and the one thing that we can agree on is that there are big companies and 'big government' that are ultimately deciding on and benefiting from the development of these resources. This never really gets back to the individuals in these communities."

While Colorado politicians wrangled over local versus state controls, U.S. Reps. Diana DeGette and Jared Polis, both D-Colo., urged the federal government to require drillers to disclose what chemicals they pump into the ground.

But in a concession to the oil and gas industry, Interior Secretary Ken Salazar proposed a rule that wouldn't require the disclosure of hydraulic fracturing fluids until after the drilling of a well is completed. DeGette and others believe disclosures should be made before drilling.

The Environmental Protection Agency has preliminarily linked groundwater contamination in Pavillion, Wyo., with hydraulic fracturing, aka fracking, in which large volumes of water, sand and chemicals are flushed into the earth to dislodge natural gas or oil.

Industry representatives dispute that fracking can contaminate drinking water.

"We need to have some standards in place for the types of chemicals that are used to make sure we are not injecting cancer-causing chemicals into the ground and potentially contaminating water supplies for populated areas," Shaffer said. "But ultimately I think it's a state and local government issue. There is a responsible way to explore for natural gas. We just need to make sure it's done in a responsible way."

Shaffer is now running for Congress against incumbent Republican Cory Gardner in CD 4.

His opponent, Rep. Gardner, whose district includes heavily fracked areas like Erie, has been an ardent supporter of the oil and gas industry, consistently voting to weaken environmental protections.

"My opponent has now received more contributions from oil and gas interests in his short year and a half tenure than [Gardner's predecessor] Marilyn Musgrave [a Republican] received her entire six years she was in Congress," Shaffer said. "For sure, there is an attempt by the oil and gas industry to influence the policies that are in place at the federal level."

Gardner and his spokespersons did not return messages seeking comment.

The congressman isn't alone. Oil and gas money has long poured into the campaign coffers of politicians across America. This year is no different. The oil and gas industry is the ninth biggest giver to Congress, donating \$11.7 million so far in 2012,

according to The Center for Responsive Politics. Eighty-six percent of the funds went to Republicans and 14 percent of it to Democrats.

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